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HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 19 of 2002

Petitioner	State of Chhattisgarh, through Divisional Forest Officer (General), Forest Division, Rajnandgaon, CG.

Versus

Respondents	1) Tesuram Nishad (Adult), Son of Ramprasad, Resident of Village Arjuni, Dist. Rajnandgaon, CG.
	2) Presiding Officer, Labour Court, Rajnandgaon, CG.

(Writ Petition under Article 226/227 of Constitution of India)

SB: Hon'ble Shri Justice Satish K. Agnihotri

Present:
Smt. Anju Ahuja, Deputy Govt. Advocate for petitioner/State.

ORAL ORDER

(Passed on 24th April, 2007)

The petitioner is aggrieved by the award dated 21-4-2001 (Annexure P/1) passed by the Labour Court in Case No. 1/ID Act-R-2000. The respondent No.1 was an employee working since 1-4-1986 as Watchman. The services of the respondent No.1 was retrenched by order dated 1-7-1997, without following the provisions of law as enshrined in Section 25-F of the Industrial Dispute Act, 1947.

2. The Labour court after having examined the case came to the conclusion that the employee – respondent No.1 has worked for more than 240 days in the preceding calendar year and even earlier. It was further held that the respondent No.1 was neither paid retrenchment allowance nor one month's salary in lieu of notice before the impugned

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order of retrenchment dated 1-7-1997 was passed. In view of that, the labour Court vide award dated 21-4-2001 allowed the application filed by respondent No.1 with a direction to reinstate the respondent No.1 with 50 % back wages. This award was passed in the year 2001. The application for interim relief was rejected. The petitioner must have complied with the award dated 21-4-2001 (Annexure P/1) by this time. Even otherwise, there is no merit in this case.

3. It is well settled principle of law that this Court, while exercising its jurisdiction under Article 226 of the Constitution of India, has limited jurisdiction to the extent of reviewing the case in the event, there is perversity or irregularity in the process of decision, not in the decision itself.

4. In view of the foregoing, the petition deserves to be and is dismissed accordingly. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Raju